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baffle, said second absorbent being a stabilized material containing a superabsorbent and said second absorbent having a tensile strength of at least 12 Newtons per 50 millimeters.

### Remarks

Claims 1 - 30 and 38 are presented for the Examiner's consideration. The Applicants wish to thank the Examiner for the allowance of claims 18 and 20-30 as indicated in the Office Action dated 5-21- 2002. Pursuant to 37 C.F.R. § 1.111, reconsideration of the present application in view of the foregoing amendments and the following remarks is respectfully requested.

The Applicants affirm the provisional telephone election made on 5-13-2002 and elect to prosecute claims 1 -30 of the pending application without prejudice to or disclaimer of the subject matter disclosed in the non-elected claims. This election is made without traverse.

The Examiner has indicated that the Applicants' IDS filed on 8-31-01 did not contain copies of the cited art, and therefore was not considered. The Examiners' attention is drawn to a separately submitted IDS dated 7-12-2002, which contains duplicate copies of the previously submitted art.

Claims 10 and 19 stand rejected under 35 U.S.C. § 112, second paragraph, as indefinite for use of the language "similar compositions." The Applicants have amended claims 10 and 19 to recite "the same composition." As such, the claims are now definite and the objection has been overcome.

Claims 1 and 2 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 6,059,764 issued to Osborn. The Applicants respectfully traverse the rejection since claims 1 and 2, as claimed, are not disclosed in Osborn. The Applicants' claim a first group of short, **high denier** hydrophilic fibers, and a second group of longer, **lower denier**, moisture insensitive crimped synthetic fibers. The Applicants' specification, at page 8, line 10, states: "The fibers making up the second group of fibers 30 are longer in length and have a lower denier than the fibers making up the first group of fibers 28." The specification discloses that the fibers of the first group are preferably southern pine Kraft fibers having a denier greater than 2.0, while the fibers of the second group are preferably bicomponent fibers that can have a denier less than or equal to about 2.0. See page 7, lines 18 - 19; page 8, lines 6 - 9; and page 8, lines 10 - 13. Thus, the synthetic fibers, as disclosed and claimed by the Applicants, are a **low** denier than the fibers of the first group.

In contrast, Osborn discloses a blended core having fibers from "a first group of **low denier**, relatively short, hydrophilic fibers, and from about 6% to about 90% of **higher denier** (and is

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preferably about 10%), longer synthetic fibers that comprise a second group." See column 23, lines 55 - 59. Osborn discloses at column 24, line 35, "The fibers in the second group of fibers preferably have a denier per filament of between about 6 and about 40." Thus, the synthetic fibers in Osborn have a **higher** denier than the fibers of the first group.

The Applicants' claim 1 and claim 2 requires synthetic fibers having a **lower** denier than the hydrophilic fibers. Osborn discloses synthetic fibers having a **higher** denier than the hydrophilic fibers. As such, the Applicants' claim 1 and claim 2 are not anticipated by Osborn and the anticipation rejection should be withdrawn.

Claims 3 and 12 - 15 stand rejected under 35 U.S.C. § 102(b) as anticipated by U.S. 4,673,402 issued to Weisman. Weisman discloses an absorbent core that has "an upper fluid acquisition/distribution layer which consists essentially of hydrophilic fiber material" and a lower storage fluid layer that "consists essentially of a substantially uniform combination of hydrophilic fiber material and particular amounts of discrete particles of substantially water insoluble, fluid absorbing hydrogel material." See column 5, lines 19 - 21, and column 6, lines 48 - 51. Weisman also discloses: "Preferably the upper layer is formed by air-laying a stream of fiber material onto a screen until a web of the desired basis weight is formed."

The Applicants respectfully traverse the Examiner's position that claims 3 and 12 - 15 are anticipated by Weisman. The Applicants' claims recite a **stabilized** first absorbent material and a **stabilized** second absorbent material. Weisman does not teach or disclose a two-layer absorbent core with each layer being composed of a stabilized absorbent material. The absorbent core in Weisman is a conventional fluff / superabsorbent mixture, with the superabsorbents located primarily in the lower layer. The materials making up the absorbent core are not stabilized, because Weisman does not teach or disclose suitable binder materials to impart integrity and tensile strength to the absorbent core. The Applicants disclose and teach suitable binder materials at page 7, line 34 through page 8, line 9 of their specification.

Furthermore, the Applicants disclose that the stabilized material can be unwound and placed into the absorbent article, rather than the fluff formed layer disclosed in Weisman, because the stabilized material has a tensile strength of at least 12 Newtons per 50 mm. See Applicants' specification page 9, lines 18 - 36. To fully capture the scope of the Applicants' invention, the Applicants have added newly submitted claim 38, which incorporates this strength measurement. The tensile strength measurement is one way, amongst others, to distinguish stabilized absorbent materials from conventional fluff cores, which are incapable of generating such tensile strengths. As such, claims 3, 12 - 15, and 38 are not anticipated by Weisman because Weisman does not disclose or enable stabilized absorbent layers, and Weisman does not disclose or enable

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absorbent layers having a tensile strength suitable for unwinding and placing into an absorbent article.

It is now believed that claims 1 - 30 and 38 are in a condition for allowance and such action is requested by the Applicants. Please charge any prosecutorial fees which are due to Kimberly-Clark Worldwide, Inc. deposit account number 11-0875. The undersigned may be reached at: (920) 721-7760.

Respectfully submitted,

DAVID A. FELL ET AL.

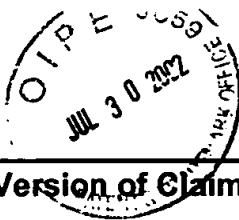
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CERTIFICATE OF MAILING

I, Lanette Burton, hereby certify that on July 24, 2002 this document is being deposited with the United States Postal Service as first-class mail, postage prepaid, in an envelope addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

By: Lanette Burton  
Lanette Burton

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**Marked-Up Version of Claim Amendments**

10. (Amended) The absorbent article of claim 3 wherein said first and second absorbents are [of similar] the same composition[s].
19. (Amended) The absorbent article of claim 18 wherein said superabsorbent particles contained in each of said first and second absorbents are [similar in] the same composition.
38. (New) An absorbent article, comprising:
- e) a liquid permeable liner;
  - f) a liquid-impermeable baffle;
  - g) a first absorbent having a predetermined basis weight positioned between said liner and said baffle, said first absorbent being a stabilized material containing a superabsorbent and said first absorbent having a tensile strenght of at least 12 Newtons per 50 millimeters; and
  - h) a second absorbent having a basis weight which is at least equal to said basis weight of said first absorbent positioned between said first absorbent and said baffle, said second absorbent being a stabilized material containing a superabsorbent and said second absorbent having a tensile strenght of at least 12 Newtons per 50 millimeters.

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